

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT NEW YORK

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DIANNE MILLER,

Plaintiff,

- against -

HOLTZBRINCK PUBLISHERS, LLC,  
MACMILLAN PUBLISHERS, INC.,  
SAINT MARTIN'S PRESS, HEATHER  
HUNTER AND MICHELLE VALENTINE,

Defendants.  
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Civ. Action No. 08-CV-03508 (HB)

*Electronically Filed*

**MACMILLAN DEFENDANTS'  
NOTICE OF MOTION TO  
DISMISS**

**PLEASE TAKE NOTICE** that upon the annexed affidavit of Robert D. Balin, sworn to on June 2, 2008, and the exhibit annexed thereto, the annexed declaration of Michelle Valentine, dated June 2, 2008, the accompanying Memorandum of Law and all other pleadings and proceedings, defendants Holtzbrinck Publishers, LLC, Macmillan Publishers, Inc., St. Martin's Press, LLC and Michelle Valentine (collectively, the "Macmillan defendants") will move before the Honorable Harold Baer, United States District Judge, Southern District of New York, on a date and time to be set by the Court, for an order dismissing plaintiff's claims against the Macmillan defendants for failure to state a claim for relief, pursuant to Fed. R. Civ. P. 12(b)(6), and further, dismissing plaintiff's claims against defendant Valentine for failure to serve Valentine with the Summons nad Complaint, pursuant to Fed. R. Civ. P. 12(b)(5).

**PLEASE TAKE FURTHER NOTICE** that, pursuant to the Court's Individual Practices and the Local Rules of United States District Courts for the Southern and Eastern Districts of New York, plaintiffs' answering papers, if any, shall be filed and served no later than June 16, 2008.

Dated: New York, New York  
June 2, 2008

Respectfully submitted,

DAVIS WRIGHT TREMAINE LLP

By: /s/ Robert D. Balin  
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Publishers, Inc., St. Martin's Press, LLC and  
Michelle Valentine*